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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,575	02/08/2002	Pang-Chia Lu	2002B004	1933
23455	7590	01/14/2004	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY			KRUEER, KEVIN R	
P O BOX 2149			ART UNIT	PAPER NUMBER
BAYTOWN, TX 77522-2149			1773	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/072,575

Applicant(s)

LU, PANG-CHIA

Examiner

Kevin R Kruer

Art Unit

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-13.Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

The proposed amendment filed December 9, 2003 has been fully considered, but will not be entered because it raised new issues that would require further search and/or consideration. Specifically, the scope of claim 1 would be broadened to include terpolymers with molecular weights of less than 50,000 and more than 100,000. The limitations of claim 13, which Applicant would enter into claim 1, have not previously been considered with the limitations of claims 2-12. The limitations of claims 14 and 15 also have not previously been considered.

Furthermore, the proposed amendment will not be entered because it is deemed not to place the application in better form for appeal by materially reducing and/or reducing the issues for appeal.

Applicant argues that extrusion-grade ethylene acid terpolymer is different than coating-grade terpolymers taught by the prior art, as explained on pages 9-11 in the specification. However, Morris (US 6,500,556 B1) teaches an extrusion-grade terpolymer composition. Thus, such a distinction fails to distinguish the claimed invention from the teachings of Morris.

Applicant further argues that Morris teaches a blended composition. However, Applicants claims are read on blended compositions. Specifically, Applicant's claims are drawn to an "extrusion grade, film forming ethylene acid terpolymer resin composition ***comprising***" the claimed terpolymer.

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Morris does not teach that the composition may be oriented, as required by claims 2-4. The examiner agrees, and notes that claims 2-4 were not held to be anticipated by Morris.

According to Applicant, the prior art fails to teach the limitations of newly proposed claims 14 and 15. However, Applicant's arguments are moot since the proposed amendment has not been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 703-305-0025. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

K-R K-

Kevin R. Kruer
Patent Examiner-Art Unit 1773

Paul Thibodeau
Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700